

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICKY SCOTT,

Plaintiff,

Case No. 22-10306

v.

HON. DENISE PAGE HOOD

HENRY FORD HEALTH SYSTEM, et al.,

Defendants.

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**ORDER ACCEPTING AND ADOPTING
THE APRIL 10, 2023 REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Curtis Ivy, Jr.’s Report and Recommendation April 10, 2023. (ECF No. 47) To date, no Objections have been filed by Plaintiff to the Report and Recommendation, and the time to file such has passed.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court “shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made.” 28 U.S.C. § 636(B)(1)(c). The Court “may accept, reject or modify, in whole or in part, the findings or

recommendations made by the Magistrate.” *Id.* In order to preserve the right to appeal the Magistrate Judge’s recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

After review of the April 10, 2023 Report and Recommendation, the Court finds that the Magistrate Judge’s conclusion is correct. The Court agrees with the Magistrate Judge that Defendants Susan Coleman and Coree Cummings be dismissed from this action because they have not been served with the complaint and summons.

Accordingly,

IT IS ORDERED that Magistrate Judge Curtis Ivy, Jr.’s April 10, 2023 Report and Recommendation (ECF No. 47) to dismiss Defendants Susan Coleman and Coree Cummings is **ACCEPTED AND ADOPTED** as this Court’s findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendants’ Motion to Dismiss Plaintiff’s Second Amended Complaint as to Defendants Susan Coleman and Coree Cummings (ECF No. 32) is **GRANTED**.

IT IS FURTHER ORDERED that **Defendants Susan Coleman and Coree Cummings** only are **DISMISSED** without prejudice.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: July 13, 2023

